

STATE OF MICHIGAN
BEFORE THE MICHIGAN JUDICIAL TENURE COMMISSION

COMPLAINT AGAINST:

Docket No.

HON. GERARD TRUDEL

FORMAL COMPLAINT NO. 68

Judge, 24th District Court
6515 Roosevelt Road
Allen Park, MI 48101-2524

COMPLAINT

The Michigan Judicial Tenure Commission (“Commission”)* files this complaint against Hon. Gerard Trudel (“Respondent”), 24th District Court Judge, serving the cities of Allen Park and Melvindale, in the City of Allen Park, Wayne County, Michigan. This action is taken pursuant to the authority of the Commission under Article VI, Section 30 of the Michigan Constitution of 1963, as amended and MCR 9.200 *et seq.* The filing of this Complaint has been authorized and directed by resolution of the Commission.

Respondent is, and at all material times was, a judge of the 24th District Court in Allen Park, Michigan. As a judge, he is subject to all the duties and responsibilities imposed on him by the Michigan Supreme Court, and is subject to the standards for discipline set forth in MCR 9.104 and MCR 9.205. Respondent is charged with violating his judicial and professional duties as set forth in the following paragraphs.

* Commissioner William J. Runco has recused himself in this matter.

BACKGROUND

1. Respondent has been a judge of the 24th District Court, Allen Park, Wayne County, Michigan, since January 1, 1993.

2. On January 23, 2002, the Michigan Supreme Court issued an Order of Discipline in a prior matter (“the prior matter”) against Respondent, which included a public censure and a 90-day suspension without pay, to begin on January 24, 2002 and end on April 23, 2002. Respondent consented to the imposition of that discipline as evidenced by his waiver and consent in the prior matter.

Count I

RESPONDENT’S FRAUDULENT ATTEMPT TO OBTAIN DISABILITY BENEFITS

3. On April 23, 2002, the last day of his suspension without pay, Respondent submitted an application to the Bureau of Workers’ Disability Compensation seeking mental disability benefits for the period beginning January 24, 2002 through at least April 23, 2002.

4. Respondent described the “nature of the disability and the manner in which the injury or disablement occurred” on the form as follows: “[Respondent] developed a work-related mental disability in the course of his employment.” He did not disclose on the application that the reason he had not worked from January 24, 2002 through April 23, 2002 was that he was serving a disciplinary suspension for that period of time.

5. Respondent signed the application form that contained the following certification: “I hereby certify that the above information is true to the best of my knowledge. I also certify that I have, as of this date, mailed to my employer or its insurance carrier copies of any medical records relevant to this claim that are in my possession.”

6. Respondent intentionally made the statements on the disability application form so as to receive mental disability benefits for the period he was on disciplinary suspension.

7. The conduct described in paragraphs 3 through 6, if true, constitutes:

- (a) Misconduct in office as defined by Michigan Constitution 1963, Article VI, §30 as amended, MCR 9.205, as amended;
- (b) Conduct clearly prejudicial to the administration of justice as defined by the Michigan Constitution 1963, Article VI, §30 as amended, MCR 9.205, as amended;
- (c) Failure to observe high standards of conduct so that the integrity and independence of the judiciary may be preserved as described in the Code of Judicial Conduct, Canon 1;
- (d) Conduct involving impropriety and the appearance of impropriety, which erodes public confidence in the judiciary, contrary to the Code of Judicial Conduct, Canon 2A;
- (e) Failure to respect and observe the law and to conduct oneself at all times in a manner the promotes public confidence in the integrity of the judiciary, contrary to the Code of Judicial Conduct, Canon 2B;
- (f) Conduct involving improper judicial influence and abuse of the prestige of office in violation of the Code of Judicial Conduct, Canon 3C; and
- (g) Conduct violating MCR 9.104 in that it is prejudicial to the administration of justice, contrary to MCR 9.104(1); exposes the legal profession or courts to obloquy, contempt, censure or reproach, contrary to MCR 9.104(2); and violates standards or rules of professional responsibility adopted by the Supreme Court.

Count II
RESPONDENT'S PATTERN OF EXTENDED ABSENCES
CLAIMING MENTAL DISABILITY

8. Respondent suffers or claims to suffer from a mental disability that significantly interferes with the capacity to perform his judicial duties. He has taken at least three fully paid medical leaves, claiming a mental inability to work.

9. Respondent was absent from court from approximately July 1, 2000, until approximately October 1, 2000, during which time he received full pay. For most of that period, he was in Newport Beach, California.

10. On July 26, 2000, Respondent submitted a letter to the State Court Administrative Office ("SCAO") from Dr. Raul J. Guerrero, Psychiatric Services of Services of Grosse Pointe. In that letter, Dr. Guerrero stated, "Please be advised that Mr. Gerard Trudell [sic] has been under my care since June 2, 2000. I have directed him to take an indefinite leave for medical reasons."

11. Respondent was absent from court from late June or early July 2001 until October 2001, during which time he received full pay. For most of that period, he was in Newport Beach, California.

12. On June 25, 2001, Respondent's psychologist, Dr. Maureen Sinnott, sent a letter to Region I State Court Administrator Delores Van Horn that stated, "As you know, I have been seeing Mr. Gerard Trudel since July 27, 2000 for psychotherapy. I recommend that he take an indefinite leave of absence at this time. Thank you for your understanding in this matter."

13. After serving his 90-day suspension from January 24, 2002 through April 23, 2002, Respondent was scheduled to return to his judicial duties on April 24, 2002. On that day, without prior notice to the 24th District Court Chief Judge, court staff, or SCAO, Respondent advised the Chief Judge that he was going

on a “medical disability” effective immediately because he could not perform his judicial duties due to the ongoing Judicial Tenure Commission investigation.

14. On April 26, 2002, SCAO received a letter from Dr. Sinnott, dated April 16, 2001 [sic], that stated: “Since July 27, 2000 I have been seeing Mr. Gerard Trudel for psychotherapy. I met with him today and recommended that he take an indefinite leave of absence at this time due to his depression. Thank you for your understanding in this matter.”

15. On May 1, 2002, John Ferry, Jr., the State Court Administrator, wrote Respondent’s psychologist requesting elaboration on the diagnosis of “depression” as applied to Respondent, and additional information regarding his condition, and an assessment as to a likely return date.

16. On May 9, 2002, John Ferry, Jr. wrote Respondent advising that his psychologist had not responded and that arrangements had been made for an independent medical examination unless he or his doctor advised he could “safely” return to work within the next week.

17. On May 14, 2002, Respondent wrote Mr. Ferry and stated that he and his psychologist decided no further elaboration would be forthcoming until after he met with Dr. Raul Guerrero, who might change his medication.

18. On May 14, 2002, Dr. Sinnott also wrote Mr. Ferry. She stated Respondent “continues to be severely depressed” and said the most serious “stressor” was the continued investigation by the Judicial Tenure Commission. She added she had “serious doubts that he would be able to function effectively as Judge while trying to defend himself against continued allegations” and concluded that it was her “professional opinion that premature return to his judicial duties while being investigated by the Commission will interfere with his recovery.”

19. In or about the middle of May, 2002, Respondent sporadically went to his office at the 24th District Court for reasons unrelated to his judicial duties. Respondent did not inform the Chief Judge of his presence or whether he had been declared fit to serve again.

20. On May 23, 2002, Respondent wrote 24th District Court Chief Judge Courtright seeking assistance for his legal defense. Respondent admitted his failure to return to work was due to the “personal difficulty” of defending himself, and that the court’s assistance might “help to resolve the situation which has resulted in my medical leave of absence.”

21. On May 24, 2002, Ms. Van Horn wrote Respondent advising him that if he was unable to perform his duties as judge, including handling a regular docket, he should not be at the court, and if his health had improved to the extent that he was able to return to work, he should advise court staff immediately so that his schedule could be arranged, and he should advise the Region I SCAO office in writing immediately if he had recovered sufficiently to return to work. He did not comply with the SCAO request for written notification.

22. On May 29, 2002, Respondent returned to work and began assuming his judicial duties without providing prior written or oral notice to Chief Judge Courtright or SCAO, and without providing notice from his psychologist approving his return.

23. He had been absent from court for 35 days, during which time he received full pay.

24. In each of the last three years, Respondent has taken an extended leave of absence claiming an inability to work due to alleged mental problems. Respondent was absent three months in 2000, three months in 2001, and again for five weeks in 2002.

25. Respondent's three-month absences from court in the summers of 2000 and 2001, ostensibly due to undefined "medical reasons," were spent in Southern California.

26. Moreover, in his five-week absence in April/May 2002, Respondent returned to work without having first produced a letter from his doctor advising that Respondent could return to work, as had been demanded by SCAO.

27. Respondent's mental condition, erratic behavior, and fraudulent effort to obtain mental disability payments for the period he was on disciplinary suspension adversely affect the public's confidence in the judiciary, malign his judicial office and harm the integrity and independence of the judiciary.

28. Respondent committed misconduct in office clearly prejudicial to the administration of justice pursuant to MCR 9.205(C), and has exposed the legal system to ridicule and scorn.

29. The conduct described in paragraphs 8 through 28, if true, constitutes:

- (a) Misconduct in office as defined by Michigan Constitution 1963, Article VI, §30 as amended, MCR 9.205, as amended;
- (b) Conduct clearly prejudicial to the administration of justice as defined by the Michigan Constitution 1963, Article VI, §30 as amended, MCR 9.205, as amended;
- (c) Failure to observe high standards of conduct so that the integrity and independence of the judiciary may be preserved as described in the Code of Judicial Conduct, Canon 1;
- (d) Conduct involving impropriety and the appearance of impropriety, which erodes public confidence in the judiciary, contrary to the Code of Judicial Conduct, Canon 2A;

- (e) Failure to respect and observe the law and to conduct oneself at all times in a manner the promotes public confidence in the integrity of the judiciary, contrary to the Code of Judicial Conduct, Canon 2B;
- (f) Allowing social or other relationships to influence judicial conduct or judgment, in violation of the Code of Judicial Conduct, Canon 2C;
- (g) Failure to diligently discharge administrative responsibilities, in violation of the Code of Judicial Conduct, Canon 3B(1) and (2);
- (h) Conduct involving improper judicial influence and abuse of the prestige of office in violation of the Code of Judicial Conduct, Canon 3C; and
- (i) Conduct violating MCR 9.104 in that it is prejudicial to the administration of justice, contrary to MCR 9.104(1); exposes the legal profession or courts to obloquy, contempt, censure or reproach, contrary to MCR 9.104(2); and violates standards or rules of professional responsibility adopted by the Supreme Court.

Count III

HARASSMENT and INTIMIDATION

30. In the course of the prior investigation that led to Respondent's consent to the imposition of a public censure and a 90-day suspension without pay, the Commission interviewed several individuals, including, but not limited to, court employees, police officers, and city council members.

31. Some of the court employees subsequently filed lawsuits against Respondent. On information and belief, all of the lawsuits were settled out of court.

32. On February 19, 2002, after the settlements in the various civil actions had been reached, Respondent sent letters to several individuals whom he

believed were involved in or cooperated with the Commission's prior investigation. They include, but are not limited to, certain Allen Park city officials, and certain 24th District Court employees and former court employees and their spouses, including those who had brought legal action against him. The letters purported to seek retraction of all "false statements," and in some instances, retraction of allegations of "extortion."

33. By sending the letters, Respondent continued a pattern of bullying, threatening and retaliatory conduct against these individuals and others.

34. The conduct described in paragraphs 30 through 33, if true, constitutes:

- (a) Misconduct in office as defined by Michigan Constitution 1963, Article VI, §30 as amended, MCR 9.205, as amended;
- (b) Conduct clearly prejudicial to the administration of justice as defined by the Michigan Constitution 1963, Article VI, §30 as amended, MCR 9.205, as amended;
- (c) Failure to observe high standards of conduct so that the integrity and independence of the judiciary may be preserved as described in the Code of Judicial Conduct, Canon 1;
- (d) Conduct involving impropriety and the appearance of impropriety, which erodes public confidence in the judiciary, contrary to the Code of Judicial Conduct, Canon 2A;
- (e) Failure to respect and observe the law and to conduct oneself at all times in a manner the promotes public confidence in the integrity of the judiciary, contrary to the Code of Judicial Conduct, Canon 2B;
- (f) Allowing social or other relationships to influence judicial conduct or judgment, in violation of the Code of Judicial Conduct, Canon 2C;

- (g) Conduct involving improper judicial influence and abuse of the prestige of office in violation of the Code of Judicial Conduct, Canon 3C;
- (h) Engaging in a continuing pattern of harassing, threatening, and retaliatory conduct; and
- (i) Conduct violating MCR 9.104 in that it is prejudicial to the administration of justice, contrary to MCR 9.104(1); exposes the legal profession or courts to obloquy, contempt, censure or reproach, contrary to MCR 9.104(2); and violates standards or rules of professional responsibility adopted by the Supreme Court.

Count IV

USE OF PRIOR ALLEGATIONS TO ESTABLISH PATTERN OF MISCONDUCT AND, ALTERNATIVELY, TO ESTABLISH MENTAL DISABILITY WHICH SIGNIFICANTLY INTERFERES WITH THE CAPACITY TO PERFORM JUDICIAL DUTIES

35. There was credible evidence supporting numerous other allegations of misconduct in the prior matter including, but not limited to, sexual harassment of court employees and others; misuse of court time, personnel, facilities and other resources; failure to treat employees fairly and with courtesy and respect; failure to discharge administrative duties diligently and professionally; and hostile and aggressive conduct off the bench. Respondent denied the general allegations. No evidentiary record was made of the numerous other allegations referred to in the prior matter because the matter was resolved through negotiation. (See *In re Trudel*, 465 Mich 1313, 1314 [2002], paragraph no. 5)

36. In order for the Master, the Commission, and the Supreme Court to evaluate Respondent's pattern of irresponsible, erratic, intimidating and harassing

behavior in the present allegations above, it is necessary to develop the evidentiary record concerning certain of the allegations in the prior matter.

37. Respondent's prior conduct also needs to be developed in the context of evaluating Respondent's mental stability. The prior matter was a negotiated resolution, strictly limited to issues of judicial misconduct. The current allegations raise several issues of mental disability which cannot be adequately evaluated without considering prior allegations concerning Respondent's conduct in the context of mental disability. It is reasonable for the Master, the Commission and the Supreme Court to have a complete record for this purpose. The following allegations are therefore presented to create a complete record for the purpose of establishing a continuing pattern of misconduct or mental disability which significantly interferes with Respondent's capacity to perform his judicial duties.

Count IV - A

AGGRESSIVE, RETALIATORY and DISRESPECTFUL CONDUCT

38. On May 15, 2001, during the deposition of a former 24th District Court employee who brought suit against Respondent, the plaintiff's attorney, Andrew J. Munro, asked Respondent's attorney, Michael Weaver, whether Respondent had been stripped of his judgeship by the Judicial Tenure Commission. While the attorneys were in discussion, Respondent took several aggressive steps towards Mr. Munro, raised his voice, called him "asshole" and asked him to meet Respondent in the parking lot to "settle matters like men."

39. Respondent's counsel interceded, by stepping in front of Respondent and backing him off.

40. The next day Respondent again called Mr. Munro "asshole."

41. Sometime in February or March 2001, Respondent was in the office of Allen Park city councilman Michael Bowdell. Mr. Bowdell was making a point with which Respondent disagreed. Both stood up. Respondent told Mr. Bowdell to sit down. When Mr. Bowdell refused, Respondent pushed him with sufficient force to back him up against the wall.

42. As Chief Judge, Respondent engaged in a pattern of high-handed conduct, created controversy, and otherwise breached his obligations as chief judge, by refusing to speak or otherwise deal with various Allen Park city officials, the city council of Allen Park, which funds 2/3 of the court's budget, the Allen Park city administrator/controller and the Allen Park city attorney on matters pertinent to the operation of the 24th District Court, for weeks and months at a time.

43. Respondent engaged in a pattern of bullying and threatening Allen Park city council members, directly and indirectly, as described in the following non-exhaustive examples:

- (a) Respondent expressed an intent to Leo Lanctot, director of court services, to take retaliatory action against Allen Park city attorney Kevin Welch, and three city council members, Janene Rossman, Kyle Tertzag, and Michael Bowdell, by making public embarrassing or politically harmful information about them if the city council passed certain resolutions at its April 10, 2001 meeting;
- (b) Leo Lanctot communicated the threats to Kevin Welch, Allen Park city controller/administrator and David Tamsen, city attorney, either to intimidate the individuals, pursuant to Respondent's direction, or alternatively to warn them of Respondent's contemplated retaliation;

- (c) Respondent created controversy and destroyed trust between the court and Allen Park city officials and city council as a result of the foreseeable dissemination of his conversation with Leo Lanctot to the targeted individuals, irrespective of whether he directed Lanctot to actually convey the threats;
- (d) On or about March 24, 2000, after an Allen Park city council meeting, councilman Kyle Tertzag entered Dunleavy's, a local Allen Park bar, where Respondent was seated with several city officials. Mr. Tertzag greeted them and extended his hand to Respondent, who responded, "F--- you, Asshole." When a city official reproved him, Respondent replied, "He's a two-faced son of a bitch."
- (e) In or about August 1999, Respondent convinced the Allen Park city council to listen to him in closed executive session until Councilwoman Rossman consulted the city attorney who stated the closed session was illegal. Respondent demonstrated his displeasure with Ms Rossman by ignoring her and refusing to speak to her when she called. A friend of the judge later arranged for Ms Rossman to meet the judge in his office. Ms Rossman explained the reason she did what she did at the meeting and Respondent replied, "Don't you know what I can do to you politically? Don't you know the power I have? Don't you know what I can do to you?"

44. The conduct described in paragraphs 38 through 43, if true, constitutes:

- (a) Misconduct in office as defined by Michigan Constitution 1963, Article VI, §30 as amended, MCR 9.205, as amended;
- (b) Conduct clearly prejudicial to the administration of justice as defined by the Michigan Constitution 1963, Article VI, §30 as amended, MCR 9.205, as amended;
- (c) Failure to observe high standards of conduct so that the integrity and independence of the judiciary may be preserved as described in the Code of Judicial Conduct, Canon 1;
- (d) Conduct involving impropriety and the appearance of impropriety, which erodes public confidence in the judiciary, contrary to the Code of Judicial Conduct, Canon 2A;
- (e) Failure to respect and observe the law and to conduct oneself at all times in a manner the promotes public confidence in the integrity of the judiciary, contrary to the Code of Judicial Conduct, Canon 2B;
- (j) Allowing social or other relationships to influence judicial conduct or judgment, in violation of the Code of Judicial Conduct, Canon 2C;
- (k) Failure to diligently discharge administrative responsibilities, in violation of the Code of Judicial Conduct, Canon 3B(1) and (2);
- (l) Conduct involving improper judicial influence and abuse of the prestige of office in violation of the Code of Judicial Conduct, Canon 3C;
- (m) Failure to properly carry out the duties of chief judge, in violation of MCR 8.110(C)(1), (2) and (3);
- (n) Extortion, in violation of MSA §28.410; MCL §750.213, or the appearance of extortion, as to paragraph 43(a) – (c);
- (f) Conduct violating MCR 9.104 in that it is prejudicial to the administration of justice, contrary to MCR 9.104(1); exposes the

legal profession or courts to obloquy, contempt, censure or reproach, contrary to MCR 9.104(2); and violates standards or rules of professional responsibility adopted by the Supreme Court, contrary to MCR 9.104(4).

Count IV - B

SEXUAL HARASSMENT/RACIAL INSENSITIVITY

45. Respondent engaged in a pattern of sexually related inappropriate conduct, racially insensitive conduct, and conduct that created an appearance of impropriety with certain female court employees, including, but not limited to, the following:

- (a) Respondent frequently initiated inappropriate sexual discussions, such as his predilection for oral sex, descriptions of his sexual fantasies, often of a graphic nature, and his desire to engage in a “threesome,” with Staci Sukel (then Brooks), a probation officer and later probation director at the 24th District Court.
- (b) Respondent commented to Ms Sukel at various times regarding other young, attractive female employees, including Jennifer Collins and Cindy Rigsby, and occasionally remarked on Michelle Cousino’s appearance.
- (c) On at least two occasions, in 1994 and 1995, Respondent made unwanted physical advances to Ms Sukel, including hugging and kissing, and on several other occasions encouraged her to participate in sexual activities with him.

46. Respondent violated judicial and professional standards to which he is subject by making inappropriate sexually suggestive and racially insensitive remarks concerning the court’s only African-American employee, Jenita Moore, a

24th District Court employee from April 1994 until December 1998, as described in the following paragraphs:

- (a) Around the time Ms Moore was hired, Respondent spoke on the telephone and commented, “Now I have my token black.”
- (b) Referring to Ms Moore in 1994, who was still employed at the court, sometime in 1994, Respondent said to Timothy Straub, a court officer, that he (Respondent) would “like some of that sweet chocolate.”
- (c) In the spring of 1996, female court employees rented a bus to attend a bachelorette party for fellow employee Dawn Grubbs. Ms Moore was the last person to sign up to attend, so her name appeared on the bottom of the list. When Respondent saw the list, he asked Ms Moore something to the effect, “Jenita, didn’t your people fight to keep you from sitting at the back of the bus?”

47. The conduct described in paragraphs 45 and 46, if true, constitutes:

- (a) Misconduct in office as defined by Michigan Constitution 1963, Article VI, §30 as amended, MCR 9.205, as amended;
- (b) Conduct clearly prejudicial to the administration of justice as defined by the Michigan Constitution 1963, Article VI, §30 as amended, MCR 9.205, as amended;
- (c) Discourteous, disrespectful or unfair treatment of a person because of race, gender or other protected personal characteristic, in violation of MCR 9.205(C)(7);

- (d) Failure to observe high standards of conduct so that the integrity and independence of the judiciary may be preserved as described in the Code of Judicial Conduct, Canon 1;
- (e) Conduct involving impropriety and the appearance of impropriety, which erodes public confidence in the judiciary, contrary to the Code of Judicial Conduct, Canon 2A;
- (f) Failure to conduct oneself at all times in a manner that promotes public confidence in the integrity of the judiciary and failure to treat a court employee fairly and respectfully, without regard to race or gender, in violation of the Code of Judicial Conduct, Canon 2B;
- (g) Allowing special or other relationships to influence judicial conduct or judgment, in violation of the Code of Judicial Conduct, Canon 2C;
- (h) Conduct violating the Elliot-Larsen Civil Rights Act (MC.L.A. 37.2101 *et seq.*), as to paragraph 46 (a) – (c); and
- (i) Conduct violating MCR 9.104 in that it is prejudicial to the administration of justice, contrary to MCR 9.104(1); exposes the legal profession or courts to obloquy, contempt, censure or reproach, contrary to MCR 9.104(2); and violates standards or rules of professional responsibility adopted by the Supreme Court, contrary to MCR 9.104(4).

48. Respondent harassed and abused certain court employees including, but not limited to, Connie Trissell, Suzanne Molter, Timothy Straub, Giovanna (“Jodie”) Williams, and Margaret Krizan, while displaying marked favoritism toward others. Examples of Respondent’s continuing pattern of disparate, disrespectful and harassing treatment of certain employees include the following:

- (a) Respondent ignored and refused to speak to court employees Margaret Krizan, Connie Trissel, Suzanne Molter, Timothy Straub, and Jodie Williams for several months;
- (b) When Respondent returned to the court after returning from his vacation/sick leave in California in October 2000, he repeatedly referred to court employees Connie Trissell, Suzanne Molter, Timothy Straub, Jodie Williams, and Margaret Krizan as “evil.” Respondent spoke of wanting to eliminate the “evil at my court,” that he would not have “evil” at his court, and that he “had a plan” to get rid of the “evil;”
- (c) Respondent transferred court employees Connie Trissell, Suzanne Molter, Timothy Straub, Jodie Williams and Margaret Krizan, to a newly acquired building across the street from the 24th District Court, a former carpet store, before it was ready for use as a court services building. Respondent stated he had “taken care of the evil’ in his court and those employees would never be permitted to set foot in the 24th District Court building again;
- (d) Respondent frequently stared or glared at certain employees in an attempt to intimidate them;
- (e) In or about February, 1995, Respondent requested his former court recorder/secretary, Margaret Krizan, to transcribe a phone call from the irate parent of Cindy Rigsby, a former young female court employee. Respondent asked Ms Krizan whether she listened to the phone call and angrily demanded she come into his office and shut the door. When she refused to come in with the door shut, because Respondent’s demeanor frightened

her, Respondent called for a court officer to escort her from the building.

49. The conduct described in paragraph 48, if true, constitutes:
- (a) Misconduct in office as defined by Michigan Constitution 1963, Article VI, §30 as amended, and MCR 9.205, as amended;
 - (b) Conduct clearly prejudicial to the administration of justice as defined by the Michigan Constitution 1963, Article VI, §30 as amended, and MCR 9.205, as amended;
 - (c) Failure to observe high standards of conduct so that the integrity and independence of the judiciary may be preserved, as described in the Code of Judicial Conduct, Canon 1;
 - (d) Conduct involving impropriety and the appearance of impropriety, which erodes public confidence in the judiciary, contrary to the Code of Judicial Conduct, Canon 2A;
 - (e) Failure to respect and observe the law and to conduct oneself at all times in a manner that promotes public confidence in the integrity of the judiciary, contrary to the Code of Judicial Conduct, Canon 2B;
 - (f) Allowing social or other relationships to influence judicial conduct or judgment, in violation of the Code of Judicial Conduct, Canon 2C;
 - (g) Failure to diligently discharge administrative responsibilities, in violation of the Code of Judicial Conduct, Canon 3B(1) and (2);
 - (h) Failure to properly carry out the duties of chief judge, in violation of MCR 8.110(C)(1), (2) and (3); and
 - (i) Conduct violating MCR 9.104 in that it is prejudicial to the administration of justice, contrary to MCR 9.104(1); exposes the legal profession or courts to obloquy, contempt, censure or

reproach, contrary to MCR 9.104(2); and violates standards or rules of professional responsibility adopted by the Supreme Court, contrary to MCR 9.104(4).

Pursuant to MCR 9.209, Respondent is advised that an original verified answer to the foregoing complaint, and nine copies thereof, must be filed with the Commission within 14 days after service upon Respondent of the Complaint. Such answer shall be in a form similar to the answer in a civil action in a circuit court and shall contain a full and fair disclosure of all the facts and circumstances pertaining to Respondent's alleged misconduct. The willful concealment, misrepresentation, or failure to file such answer and disclosure shall be additional grounds for disciplinary action under the complaint.

JUDICIAL TENURE COMMISSION
OF THE STATE OF MICHIGAN
3034 W. Grand Boulevard, Suite 8-450
Detroit, MI 48202

By: _____
Paul J. Fischer (P 35454)
Examiner

Anna Marie Noeske (P 34091)
Associate Examiner

Dated: July 18, 2002

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